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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,711	09/26/2006	Ove Kornelius Guttormsen	RR-630 PCT/US	5255
20427	7590	12/19/2007	EXAMINER	
RODMAN RODMAN 10 STEWART PLACE SUITE 2CE WHITE PLAINS, NY 10603			AMIRI, NAHID	
			ART UNIT	PAPER NUMBER
			3679	
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			12/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/597,711	Applicant(s) GUTTORMSEN, OVE KORNELIUS	
	Examiner Nahid Amiri	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/15/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

Specification, page 1, lines 4-5, the phrases “as disclosed in the preamble of attached claims 1 and 10”; lines 23-24, “According to the invention the device is characterised by the features that are set forth in independent claims 1 and 10” and lines 26-27, “respective subsidiary claims 2-9 and 11-13 and the following description with reference to Figs. 1-9” should be deleted because, these claims are subject to change or cancellation and the specification is not a living document.

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant’s use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

*Drawings*

The drawings are objected to because the ~~cross-hatching~~ <sup>shading of</sup> Fig. 3d is improper.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "**angled hook**" of claim 10, line 5; "**a recess**" of claim 10, line 8; "**the opposing rail**" of claim 10, line 8; and "**engaging members**" of claim 10, line 11-12; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

Claims 1-14 are objected to because of the following informalities:

Claims 2-9 and 11-13, line 1 "A device as disclosed in" should be changed to --The device according to--.

Claim 1, line 12, it is improper to include the figures number (Figs. 1-7) as part of the claim and should be deleted. Same applies to claim 2, line 5, claims 3-5, line 6; claims 6 and 7, line 7; claim 8, line 5; claim 9, line 3; and claim 10, line 15.

Claim 10, line 5, "component" should be changed to --components--; line 6, "component" should be changed to --components--; line 7, "rail" should be changed to --each one of the rails--; line 8, "a male component" should be changed to --each one of the male components--; line 9, "this rail" should be changed to --said rail--;

Claim 12 and 14, line 4, "structural member" should be changed to --structural members--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 3, the phrase "almost dovetail-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by

"or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

With respect to claim 10, the claim is misdescriptive, inaccurate and/or incomplete. In particular, e.g. lines 8-9, it is unclear what applicant means by having a phrase "wherein a recess that is adjacent to male component in a rail forms a female component in this rail", which "recess", applicant is referring to; line 9, "this rail" it is unclear which "rail" applicant is referring to; and it is unclear if "a male component" of line 9 is same as " male component" of line 8, or differs.

With respect to claims 12-14, it should be noted that the preamble of claims 12 and 14 set forth only a device subcombination, with intended use of for connecting structural elements. As initially set forth, the elements of the combination are not positively included in the claims. However, claims 12 and 14, line 2, positively include the elements of the combination (e.g., the structural elements). Accordingly, it is unclear as to whether the combination or subcombination is being claimed. For this Office action, it is presumed that only the subcombination is being claimed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

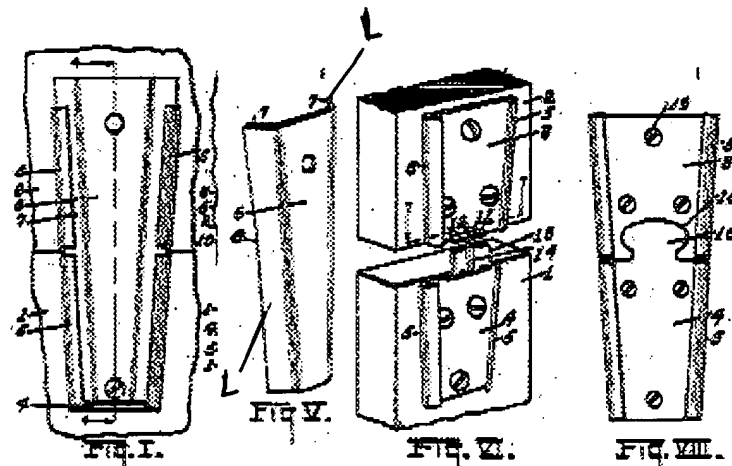
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 6, 9, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 1,182,610 Wiesman.**

With respect to claim 1, Wiesman discloses a device (Figs. I, V, VI, VII) for connecting structural elements (1, 2), the device consisting of a male component (6) and a female component (5) having at least over a part of their length wedge-shaped engaging parts having an

almost dovetail-shaped, gradually decreasing cross-section, and wherein the male component (6) and the female component (5) are mountable on a face or edge of the structural elements (1, 2) in order, on movement of the structural elements (1, 2) relative to each other, to cause the male and female components (6, 5) to engage wedgingly, characterised in that the male and female components (6, 5) each have at least one portion (for male constituted by its base portion and for female constituted by the parts 3 and 4) and designed for abutment against each other and arranged to prevent the male component (6) from penetrating wedgingly to the maximum into the female component (5), thereby avoiding mutual deformation of the male and female components (6, 5) or material strain thereof on penetration.



With respect to claim 2, Wiesman discloses (Fig. V) that the male component (6) is equipped with two lugs (L, constituted by bend portions of the male 6) that are arranged to abut against and be supported by respective edge portions on the wedge-shaped engaging part of the female component (5).

With respect to claim 6, Wiesman discloses that the female component (5) having a inhibiting device (constituted by lip portions of the female 5) which, on the wedging engagement of the male component (6) with the female component (5), enters releasable engaging abutment with an edge portion of the inhibiting device against an edge portion of the wedge-shaped engaging part of the male component (6), the inhibiting device thus releasably inhibiting against axial movement of the male and female components (6, 5).

With respect to claim 9, Wiesman discloses that that an angle piece (13) is attachable to at least one end portion of the female part (5).

With respect to claims 12-14, it should be noted that the claims are drawn solely to a device subcombination that includes recitations of intended use for connecting to the structural members. Patentability determination is based on the device recited and not how the device is intended to be used. Thus, it is structure of the device, alone, that is considered.

*Allowable Subject Matter*

**Claims 3-5, 7, and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.**

- The prior art does not disclose that “two lugs” of female component as recited in **claim 3**, line 2.
- The prior art does not provide any teaching, suggestion or motivation (TSM) to modify the prior art as such.
- The two lugs produces critical unexpected results (see applicant’s specification page 5, lines 5-8) such that the limitation is not mere common sense or mere design choice.
- There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant’s invention.
- The prior art does not disclose that “a projection stop” of female component as recited in **claim 4**, line 2.
- The prior art does not provide any teaching, suggestion or motivation (TSM) to modify the prior art as such.



- The projection stop produces critical unexpected results (see applicant's specification page 3, lines 33-35) such that the limitation is not mere common sense or mere design choice.
- There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant's invention.
- The prior art does not disclose that "projections" of female component as recited in **claim 5**, line 2.
- The prior art does not provide any teaching, suggestion or motivation (TSM) to modify the prior art as such.
- The projection produces critical unexpected results (see applicant's specification page 2, lines 20-21) such that the limitation is not mere common sense or mere design choice.
- There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant's invention.
- The prior art does not disclose that "the inhibiting device is a retaining spring" as recited in **claim 7**, line 2.
- The prior art does not provide any teaching, suggestion or motivation (TSM) to modify the prior art as such.
- The retaining spring produces critical unexpected results (see applicant's specification page 4, lines 13-17) such that the limitation is not mere common sense or mere design choice.
- There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant's invention.

**Claims 10 and 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.**

- The prior art does not disclose that “two connectable rails” of the device component as recited in **claim 10**, line 6.
- The prior art does not provide any teaching, suggestion or motivation (TSM) to modify the prior art as such.
- There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant’s invention.
- The two connectable rails produces critical unexpected results (see applicant’s specification page 6, lines 22-30) such that the limitation is not mere common sense or mere design choice.
- There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant’s invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior of record US Patent No. 6,393,685 B1 Collins; US Patent No. 3,547,472 Ehrman; US Patent No. 4,637,098 Okura; US Patent No. 5,244,300 Perreira; US Patent No. 4,616,951 Maatela; US Patent No. 3,329,928 Broske; US Patent No. 4,616,951 Maatela; US


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Patent No. 3,589,758 King; US Patent No. 4,684,285 cable; and US Patent No. 2,793,407 Johnston; are cited to show a wedge shaped device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nahid Amiri  
Examiner  
Art Unit 3679  
November 28, 2007

  
Victor MacArthur  
Patent Examiner  
3679